

DAVIS WRIGHT TREMAINE LLP
MARTIN L. FINEMAN, Bar No. 1104413
505 Montgomery Street, Suite 800
San Francisco, CA 94111
Telephone: (415) 276-6575
Fax: (415) 276-6599
E-mail: martinfineman@dwt.com

NIRO, HALLER & NIRO
Raymond P. Niro (Member of the N.D. Cal. Bar)
Daniel R. Ferri (*Pro Hac Vice*)
Ashley LaValley (*Pro Hac Vice*)
181 West Madison, Suite 4600
Chicago, IL 60602-4515
Telephone: (312) 236-0733
Fax: (312) 236-3137
E-mail: rniro@nshn.com
E-mail: dferri@nshn.com
E-mail: alavalley@nshn.com

Attorneys for Plaintiff
Cascades Computer Innovation LLC

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

CASCADES COMPUTER INNOVATION
LLC,

Plaintiff,

v.

RPX CORPORATION; HTC
CORPORATION; MOTOROLA MOBILITY
LLC; and SAMSUNG ELECTRONICS CO.
LTD.,

Defendants.

Case No. 4:12-cv-1143 (YGR)

**PLAINTIFF CASCADES'
MEMORANDUM IN SUPPORT OF
MOTION TO LIFT STAY**

Date: February 17, 2015
Time: 2:00 p.m.
Courtroom: 1, Fourth Floor
Before the Honorable Yvonne Gonzalez
Rogers

This case has been stayed for 13 months since the Court found Cascades had a reasonable basis to proceed with its lawsuit (Dkt. 119). Samsung, HTC and RPX have repeatedly claimed that decisions on summary judgment in the Illinois patent infringement case would resolve this case:

1 The Court has always retained full authority over the duration of the stay
2 and has closely monitored the progress of the patent cases throughout. It should
3 continue to do so *until the potentially dispositive issues in the patent cases are*
4 *fully resolved.*

5 (Id. at p. 8; emphasis added).

6 Thus, lifting the stay now, at a time when *these potentially dispositive issues are*
7 *closer than ever to resolution*, would contradict the reason the stay was implemented
8 in the first place—to allow the patent Court to resolve these issues and thereby clarify
9 to what extent, if any, Cascades’ antitrust claims remain potentially viable.

10 (Dkt. 147, p. 6; emphasis added).

11 There thus remains a substantial likelihood that the *resolution of the patent cases will*
12 *either completely resolve or substantially narrow the antitrust claims here.*

13 (Dkt. 147, p. 7; emphasis added).

14 The Court has further observed that dispositive motions in patent cases *frequently*
15 *resolve such issues.* (Stay Order at 4:4-8). As noted, all dispositive motions
16 remain due to be filed in the patent cases by August 27, 2014. (See N.D. Ill., Dkt.
17 No. 151).

18 (Dkt. 134, p. 6; emphasis added).

19 The various motions for summary judgment brought in the Illinois case have been **denied**
20 (the most recent, on January 6, 2015, Exhibit A) and the Illinois court now intends to set the
21 infringement case for trial. There is simply no reason to delay this case any further based upon
22 defendants’ forecasts of success in the Illinois ‘750 patent infringement case. Nor should the
23 case be further delayed as the parties prepare for a trial in the ‘750 patent case.

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1 Plaintiff respectfully submits that the stay through June 2, 2015 ordered on December 23,
2 2014 (Dkt. 154) should be lifted and discovery and other proceedings in this case allowed to go
3 forward.

4 Dated: January 7, 2015.

Respectfully Submitted,

5 NIRO, HALLER & NIRO
6 DAVIS WRIGHT TREMAINE LLP

7 By: /s/ Martin L. Fineman
8 Martin L. Fineman

9 Attorneys for Plaintiff
10 Cascades Computer Innovation LLC
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